

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 3371

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

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FEDERAL ELECTION COMMISSION
MAY 1 2018

2018 MAY -1 AM 8:31

April 30, 2018

MEMORANDUM

SENSITIVE

TO: The Commission

THROUGH: Alec Palmer *WHP*
Staff Director

FROM: Patricia C. Orrock *PCO*
Chief Compliance Officer

Debbie Chacona *DC*
Assistant Staff Director
Reports Analysis Division

BY: Kristin D. Roser/Ben Holly *KDR BH*
Reports Analysis Division
Compliance Branch

SUBJECT: Reason To Believe Recommendation – 2018 February Monthly Report for the Administrative Fine Program

Attached is a list of political committees and their treasurers who failed to file the 2018 February Monthly Report in accordance with 52 U.S.C. § 30104(a). The February Monthly Report was due on February 20, 2018.

The committees listed on the attached RTB Circulation Report either failed to file the report or filed the report more than thirty (30) days after the due date (considered a late filed report). In accordance with the schedule of civil money penalties for reports at 11 CFR 111.43, these committees should be assessed the civil money penalties highlighted on the attached circulation report.

Recommendation

1. Find reason to believe that the political committees and their treasurers, in their official capacity, listed on the RTB Circulation Report violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Report.
2. Send the appropriate letters.

4/30/2018 3:49 PM

Federal Election Commission
Reason to Believe Circulation Report
2018 FEBRUARY MONTHLY Not Election Sensitive 02/20/2018 P_UNAUTH

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
3369	C00341271	DAY & ZIMMERMANN INC FEDERAL PAC (AKA 'DAYPAC - FEDERAL')		PRESTON HAWKINS	\$158,026	0	3/20/2018	28	\$5,034	\$234
3370	C00581199	JILL STEIN FOR PRESIDENT	JILL STEIN	STEVEN WELZER	\$3,279,955	5		Not Filed	\$384,439 (est)	\$28,705
3371	C00024752	MATSON, INC. FEDERAL ELECTION COMMITTEE		BENEDICT J. BOWLER	\$153,446	0	2/27/2018	7	\$8,976	\$108

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Reason To Believe Recommendation - 2018)
February Monthly Report for the)
Administrative Fine Program:)
DAY & ZIMMERMANN INC FEDERAL) AF# 3369
PAC (AKA 'DAYPAC - FEDERAL'), and)
HAWKINS, PRESTON MR. as treasurer;)
JILL STEIN FOR PRESIDENT, and) AF# 3370
WELZER, STEVEN as treasurer;)
MATSON, INC. FEDERAL ELECTION) AF# 3371
COMMITTEE, and BOWLER, BENEDICT)
J. as treasurer;)

CERTIFICATION

I, Dayna C. Brown, Secretary and Clerk of the Federal Election Commission,
do hereby certify that on May 02, 2018 the Commission took the following actions on
the Reason To Believe Recommendation - 2018 February Monthly Report for the
Administrative Fine Program as recommended in the Reports Analysis Division's
Memorandum dated April 30, 2018, on the following committees:

AF#3369 Decided by a vote of 4-0 to: (1) find reason to believe that DAY &
ZIMMERMANN INC FEDERAL PAC (AKA 'DAYPAC - FEDERAL'), and
HAWKINS, PRESTON MR. in his official capacity as treasurer violated 52 U.S.C. §
30104(a) and make a preliminary determination that the civil money penalty would be the
amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter,
Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#3370 Decided by a vote of 4-0 to: (1) find reason to believe that JILL STEIN FOR PRESIDENT, and WELZER, STEVEN in his official capacity as treasurer violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#3371 Decided by a vote of 4-0 to: (1) find reason to believe that MATSON, INC. FEDERAL ELECTION COMMITTEE, and BOWLER, BENEDICT J. in his official capacity as treasurer violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

May 2, 2018
Date

Dayna C. Brown
Dayna C. Brown
Secretary and Clerk of the Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 3, 2018

Benedict J. Bowler, in official capacity as Treasurer
Matson, Inc. Federal Election Committee
555 12th Street, 8th Floor
Oakland, CA 94607

C00024752
AF#: 3371

Dear Mr. Bowler:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a February Monthly Report of Receipts and Disbursements covering the period January 1, 2018 through January 31, 2018. This report shall be filed no later than February 20, 2018. 52 U.S.C. § 30104(a). Records at the Federal Election Commission ("FEC") indicate that this report was filed on February 27, 2018, 7 days late.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 52 U.S.C. § 30104(a). 52 U.S.C. § 30109g(a)(4). On May 2, 2018, the FEC found that there is reason to believe ("RTB") that Matson, Inc. Federal Election Committee and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) by failing to file timely this report on or before February 20, 2018. Based on the FEC's schedules of civil money penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$108. Please see the attached copy of the Commission's administrative fine regulations at 11 CFR §§ 111.30-111.55. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <http://www.fec.gov/af/af.shtml>. 11 CFR § 111.34. Your payment of \$108 is due within forty (40) days of the finding, or by June 11, 2018, and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive
Level of Activity: \$8,976
Number of Days Late: 7
Number of Previous Civil Money Penalties Assessed: 0

At this juncture, the following courses of action are available to you:

1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response to the FEC's Office of Administrative Review, 1050 First

Street, NE, Washington, DC 20002. Your response must include the AF# (found at the top of page 1 under your committee's identification number) and be received within forty (40) days of the Commission's RTB finding, or June 11, 2018. 11 CFR § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 CFR § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 CFR § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 CFR § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 CFR § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. District Court under 52 U.S.C. § 30109. 11 CFR § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Matson, Inc. Federal Election Committee and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 CFR § 111.51(a)(2).

3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the calculated civil money penalty, follow the payment instructions on page 4 of this letter. Upon receipt of your payment, the FEC will send you a final determination letter.

NOTICE REGARDING PARTIAL PAYMENTS AND SETTLEMENT OFFERS

4. Partial Payments

If you make a payment in an amount less than the calculated civil money penalty, the amount of your partial payment will be credited towards the full civil money penalty that the Commission assesses upon making a final determination.

5. Settlement Offers

Any offer to settle or compromise a debt owed to the Commission, including a payment in an amount less than the calculated civil money penalty assessed or any restrictive endorsements contained on your check or money order or proposed in correspondence transmitted with your check or money order, will be rejected. Acceptance and deposit or cashing of such a restricted payment does not constitute acceptance of the settlement offer. Payments containing restrictive endorsements will be deposited and treated as a partial payment towards the civil money penalty that the Commission assesses upon making a final determination. All unpaid civil money penalty amounts remaining will be subject to the debt collection procedures set forth in Section 2, above.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 52 U.S.C. § 30109(a)(2). Unless you notify the FEC in writing that you wish the matter to be made public, it will remain confidential in accordance with 52 U.S.C. § 30109(a)(4)(B) and 30109(a)(12)(A) until it is placed on the public record at the conclusion of this matter in accordance with 11 CFR § 111.42.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <http://www.fec.gov/af/af.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Ben Holly in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,

Carole C. Hunter

Caroline C. Hunter
Chair

ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at RTB is \$108 for the 2018 February Monthly Report.

You may remit payment by ACH withdrawal from your bank account, or by debit or credit card through Pay.gov, the federal government's secure portal for online collections. Visit www.fec.gov/af/pay.shtml to be directed to Pay.gov's Administrative Fine Program Payment form.

This penalty may also be paid by check or money order, made payable to the Federal Election Commission. It should be sent by mail to:

Federal Election Commission
P.O. Box 979058
St. Louis, MO 63197-9000

If you choose to send your payment by courier or overnight delivery, please send to:

U.S. Bank - Government Lockbox
FEC #979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Matson, Inc. Federal Election Committee

FEC ID#: C00024752

AF#: 3371

PAYMENT DUE DATE: June 11, 2018

PAYMENT AMOUNT DUE: \$108



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION COMMISSION
SECRETARIAT

2018 OCT 15 PM 3:11

October 15, 2018

MEMORANDUM

SENSITIVE

TO: The Commission

THROUGH: Alec Palmer *AP by JAA*
Staff Director

FROM: Patricia C. Orrock *PCO*
Chief Compliance Officer

Debbie Chacona *DC for DC*
Assistant Staff Director
Reports Analysis Division

BY: Kristin D. Rosen *KDR* / Ben Holly *BH*
Reports Analysis Division
Compliance Branch

SUBJECT: Administrative Fine Program – Final Determination Recommendation for the
2018 February Monthly Report

Attached is a list identifying political committees and their treasurers against which the Commission has found reason to believe (RTB) and assessed proposed civil money penalties calculated at RTB for failure to file or failure to timely file the 2018 February Monthly Report. The committees have not paid the civil money penalties requested at RTB and have been given at least forty (40) days from the date of the Commission's RTB finding to remit payment.

In accordance with 11 CFR § 111.40, the Commission shall send a final determination notice to those respondents that have not paid the civil money penalty.

In addition, one (1) committee disclosed a level of activity after the RTB finding which would result in a lowered civil money penalty. An overview of this case has been provided below.

Jill Stein for President (AF 3370) filed the 2018 February Monthly Report after the RTB finding and disclosed an actual level of activity which would result in a lowered civil money penalty than that assessed at RTB. The committee disclosed total receipts and disbursements of \$72,355 (previously estimated to be \$364,439), thus the fine would be lowered from \$28,705 to \$8,613.

1-800-NUM-2001

- (1) Make a final determination that the political committees and their treasurers, in their official capacity, listed on the attached report violated 52 U.S.C. § 30104(a) and assess the final civil money penalties so indicated.**
- (2) Send the appropriate letters.**

Federal Election Commission
 FD Circulation Report Fine Not Paid
 2018 FEBRUARY MONTHLY Not Election Sensitive 02/20/2018 P_UNAUTH

AF#	Committee Name	Candidate Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Days Since RTB	FD Penalty
3369	DAY & ZIMMERMANN INC FEDERAL PAC (AKA 'DAYPAC - FEDERAL')		C00341271	PRESTON HAWKINS	03/20/2018	28	\$5,034	0	05/02/2018	\$234	166	\$234
3370	JILL STEIN FOR PRESIDENT	JILL STEIN	C00581199	STEVEN WELZER	06/04/2018	104 (Not Filed*)	\$72,355	5	05/02/2018	\$28,705	166	\$8,613
3371	MATSON, INC. FEDERAL ELECTION COMMITTEE		C00024752	BENEDICT J. BOWLER	02/27/2018	7	\$8,976	0	05/02/2018	\$108	166	\$108

* The committee filed their report more than thirty (30) days after the due date; therefore, the report is considered not filed.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Administrative Fine Program - Final)
Determination Recommendation for the)
2018 February Monthly Report:)
DAY & ZIMMERMANN INC FEDERAL) AF# 3369
PAC (AKA 'DAYPAC - FEDERAL'), and)
HAWKINS, PRESTON MR. as treasurer;)
JILL STEIN FOR PRESIDENT, and) AF# 3370
WELZER, STEVEN as treasurer;)
MATSON, INC. FEDERAL ELECTION) AF# 3371
COMMITTEE, and BOWLER, BENEDICT)
J. as treasurer;)

CERTIFICATION

I, Dayna C. Brown, Secretary and Clerk of the Federal Election Commission,
do hereby certify that on October 18, 2018 the Commission took the following
actions on the Administrative Fine Program - Final Determination Recommendation
for the 2018 February Monthly Report as recommended in the Reports Analysis
Division's Memorandum dated October 15, 2018, on the following committees:

AF#3369 Decided by a vote of 4-0 to: (1) make a final determination that DAY &
ZIMMERMANN INC FEDERAL PAC (AKA 'DAYPAC - FEDERAL'), and
HAWKINS, PRESTON MR. in his official capacity as treasurer, violated 52 U.S.C. §
30104(a) and assess the final civil money penalty so indicated; (2) send the appropriate
letter. Commissioners Hunter, Petersen, Walther, and Weintraub voted affirmatively for
the decision.

AF#3370 Decided by a vote of 4-0 to: (1) make a final determination that JILL
STEIN FOR PRESIDENT, and WELZER, STEVEN in his official capacity as treasurer,
violated 52 U.S.C. § 30104(a) and assess the final civil money penalty so indicated; (2)
send the appropriate letter. Commissioners Hunter, Petersen, Walther, and Weintraub
voted affirmatively for the decision.

Federal Election Commission
Certification for Administrative Fines
October 18, 2018

Page 2

AF#3371 Decided by a vote of 4-0 to: (1) make a final determination that MATSON, INC. FEDERAL ELECTION COMMITTEE, and BOWLER, BENEDICT J. in his official capacity as treasurer, violated 52 U.S.C. § 30104(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Hunter, Petersen, Walther, and Weintraub.voted affirmatively for the decision.

Attest:

October 18, 2018
Date

Dayna C. Brown
Dayna C. Brown
Secretary and Clerk of the Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 18, 2018

Benedict J. Bowler, in official capacity as Treasurer
Matson, Inc. Federal Election Committee
555 12th Street, 8th Floor
Oakland, CA 94607

C00024752
AF#: 3371

Dear Mr. Bowler:

On May 2, 2018, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Matson, Inc. Federal Election Committee and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) for filing late or failing to file the 2018 February Monthly Report. By letter dated May 3, 2018, the Commission notified you of the RTB finding and the civil money penalty calculated at the RTB stage to be \$108 in accordance with the schedule of penalties at 11 CFR § 111.43. Within forty (40) days of the FEC's RTB finding, you, as treasurer, were required to either transmit payment of the calculated civil money penalty or submit a written response challenging either the RTB finding or the calculated civil money penalty.

The FEC did not receive payment of the calculated civil money penalty or a written response within the time permitted. The FEC made a final determination on October 18, 2018 that Matson, Inc. Federal Election Committee and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) and assessed a civil money penalty in the amount of \$108 in accordance with 11 CFR § 111.43. The civil money penalty is based on these factors:

Election Sensitivity of Report: Not Election Sensitive
Level of Activity: \$8,976
Number of Days Late: 7
Number of Previous Civil Money Penalties Assessed: 0

At this juncture, the following courses of action are available to you:

1. If You Choose to Appeal the Final Determination and/or Civil Money Penalty

If you choose to appeal the final determination, you should submit a written petition, within thirty (30) days of receipt of this letter, to the U.S. District Court for the district in which the committee or you reside, or transact business, requesting that the final determination be modified or set aside. See 52 U.S.C. § 30109(a)(4)(C)(iii). Your failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver of the respondents' right to present such argument in a petition to the district court under 52 U.S.C. § 30109. 11 CFR § 111.38.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA") as amended by the Debt Collection Improvement Act of 1996 ("DCIA"), 31 U.S.C. § 3701 *et seq.* If you do not pay this debt within thirty (30) days (or file a written petition to a federal district court - see below), the Commission will transfer the debt to the U.S. Department of the Treasury ("Treasury") for collection. Within five (5) days of the transfer to Treasury, Treasury will contact you to request payment. Treasury currently charges a fee of 30% of the civil money penalty amount for its collection services. If the age of the debt is greater than or equal to two years old, Treasury will charge a fee of 32% of the civil money penalty amount for its collection services. The fee will be added to the amount of the civil money penalty that you owe. Should Treasury's attempts fail, Treasury will refer the debt to a private collection agency ("PCA"). If the debt remains unpaid, Treasury may recommend that the Commission refer the matter to the Department of Justice for litigation.

In accordance with the DCIA, at your request, the agency will offer you the opportunity to inspect and copy records relating to the debt, the opportunity for a review of the debt, and the opportunity to enter into a written repayment agreement.

If you should decide to pay the civil money penalty, follow the payment instructions on page 4 of this letter. You should make payment within thirty (30) days of receipt of this letter.

If you make a payment in an amount less than the civil money penalty, the amount of your partial payment will be credited towards the full civil money penalty that the Commission assessed upon making a final determination.

Any offer to settle or compromise a debt owed to the Commission, including a payment in an amount less than the civil money penalty assessed or any restrictive endorsements contained on your check or money order or proposed in correspondence transmitted with your check or money order, will be rejected. Acceptance and deposit or cashing of such a restricted payment does not constitute acceptance of the settlement offer. Payments containing restrictive endorsements will be deposited and treated as a partial payment towards the civil money penalty that the Commission

If you have any questions regarding the payment of the civil money penalty, please contact Ben Holly at Federal Election Commission, 1050 First St., NE, Washington, DC 20003, or our toll free number (800) 424-9530 (at the prompt, press 5) or (202) 694-1130.

Cari C. Hunter

Caroline C. Hunter
Chair

ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 CFR § 111.43, the civil money penalty is \$108 for the 2018 February Monthly Report. The payment is due within 30 days of receipt of this letter.

You may remit payment by ACH withdrawal from your bank account, or by debit or credit card through Pay.gov, the federal government's secure portal for online collections. Visit www.fec.gov/af/pay.shtml to be directed to Pay.gov's Administrative Fine Program Payment form.

This penalty may also be paid by check or money order made payable to the Federal Election Commission. It should be sent by mail to:

Federal Election Commission
PO Box 979058
St. Louis, MO 63197-9000

If you choose to send your payment by courier or overnight delivery, please send to:

U.S. Bank - Government Lockbox
FEC #979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTs). Your account will be electronically debited for the amount on the check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Matson, Inc. Federal Election Committee

FEC ID#: C00024752

AF#: 3371

PAYMENT AMOUNT DUE: \$108

1-800-NINETY-ONE